

COMMITTEE AMENDMENT FORM

DATE: 01/13/11

COMMITTEE CITY UTILITIES PAGE NUM(S) 1 & 2

ORDINANCE I. D. #10-O-2118 SECTION (S) 2 & 3

RESOLUTION I. D. #10-R- PARA. CAPTION

AMENDS THE CAPTION TO READ AS FOLLOWS:

An Ordinance by City Utilities Committee to amend Chapter 154 (Utilities), Article II (Water and Sewer Billing and Collections Procedures), to allow customers to authorize the Water and Sewer Appeals Board to administratively review the basis of a dispute and decide upon the customer's appeal without requiring the customer to appear before the Board for the hearing; to clarify the procedures for a customer appeal to the Board; and for other purposes.

FURTHER AMENDS THE LEGISLATION BY DELETEDING SECTION 1 AND 2 AND REPLACE THEM WITH A NEW SECTION 1 AND RENUMBER SECTION 3 TO SECTION 2.

10-O-2118

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE
AS AMENDED**

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES) TO ALLOW CUSTOMERS TO AUTHORIZE THE WATER AND SEWER APPEALS BOARD TO ADMINISTRATIVELY REVIEW THE BASIS OF A DISPUTE AND DECIDE UPON THE CUSTOMER'S APPEAL WITHOUT REQUIRING THE CUSTOMER TO APPEAR BEFORE THE BOARD FOR THE HEARING; TO CLARIFY THE PROCEDURES FOR A CUSTOMER APPEAL TO THE BOARD; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Section 3-401 provides for the formation and compensation of members of commissions, authorities, councils and boards of the City of Atlanta; and

WHEREAS, Section 154-29 of the City of Atlanta Code of Ordinances ("Atlanta City Code) describes procedures to appeal the Department of Watershed Management's decision regarding a water billing matter to the Water and Sewer Appeals Board ("Board"); and

WHEREAS, the Department of Watershed Management ("Department") seeks to better accommodate their customers by allowing customers to have the Water and Sewer Appeals Board administratively review the facts of a dispute without requiring that the customer appear for the hearing; and

WHEREAS, the Department seeks to clarify the procedures to appeal a decision of the Water and Sewer Appeals Board; and

WHEREAS, the Department believes these revisions will enable the Department to better serve its customers.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
as follows:

Section 1.

That Section 154-29 is amended by deleting the current section and inserting in lieu thereof the following:

A customer may appeal a determination as to the amount of the water/sewer bill owed, as set forth in Section 154-28, by filing a written appeal to the water and sewer appeals board with the commissioner of the department of watershed management, describing the basis of the appeal and the specific dates of the bill(s) in dispute. The customer may authorize the water and sewer appeals board to administratively review the basis of the dispute and decide upon the customer's appeal without requiring the customer to appear before the board for the hearing. A customer must send the request for an appeals board hearing to the water and sewer appeals board within seven business days of the date that the written response provided for in Section 154-28 was mailed by the city. The customer shall pay the average amount, as determined by the department, for the period in dispute.

Section 2.

That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES TO ALLOW CUSTOMERS TO AUTHORIZE THE WATER AND SEWER APPEALS BOARD TO ADMINISTRATIVELY REVIEW THE BASIS OF THE DISPUTE AND DECIDE UPON THE CUSTOMER'S APPEAL WITHOUT REQUIRING THE CUSTOMER TO APPEAR BEFORE THE BOARD FOR THE HEARING; TO ALLOW A CUSTOMER TO HAVE A MINIMUM OF FOUR MEMBERS TO CONDUCT A HEARING OR ADMINISTRATIVE REVIEW; AND FOR OTHER PURPOSES.

WHEREAS, the Charter of the City of Atlanta, Section 3-401 provides for the formation and compensation of members of commissions, authorities, councils and boards of the City of Atlanta; and

WHEREAS Section 154-26 of the City of Atlanta Code of Ordinances ("Atlanta City Code) provides for the number and composition of the Water and Sewer Appeals Board ("Board"); and

WHEREAS, the Department of Watershed Management ("Department") seeks to better accommodate their customers by accelerating the number of appeals that can be heard monthly by allowing fewer members of the appeals board to hear an appeal and decide upon a customer's dispute and to allow the customers to have the Water and Sewer Appeals Board administratively review the facts of a dispute without requiring that the customer appear for the hearing; and

WHEREAS, the Department believes that this revision will increase the number of appeals heard monthly by the Board and thus, will better serve and accommodate the water and sewer customers of the City of Atlanta.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
as follows:

Section 1.

That Section 154-26(h)(4) shall be amended by adding a Section (d) which states the following:

An opportunity to be heard by fewer members of the board, but not less than four members present, for any water and sewer appeals board hearing.

Section 2.

That Section 154-26(b)(3) shall be amended by deleting the current section and inserting in lieu thereof the following:

The membership shall consist of at least three lay persons, one of whom must be retired and over 60 years of age, and six other persons, with at least one from each of the following three categories: residential property management, plumber or property maintenance person with at least five (5) years of plumbing experience, civil or mechanical engineering.

Section 3.

That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

Part II: Legislative White Paper

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption:

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES TO ALLOW CUSTOMERS TO AUTHORIZE THE WATER AND SEWER APPEALS BOARD TO ADMINISTRATIVELY REVIEW THE BASIS OF THE DISPUTE AND DECIDE UPON THE CUSTOMER'S APPEAL WITHOUT REQUIRING THE CUSTOMER TO APPEAR BEFORE THE BOARD FOR THE HEARING; TO ALLOW A CUSTOMER TO HAVE A MINIMUM OF FOUR MEMBERS TO CONDUCT A HEARING OR ADMINISTRATIVE REVIEW; AND FOR OTHER PURPOSES.

Council Meeting Date:

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of the legislation is provide for administrative review of an appeals request without the customer being required to appear and to allow a minimum of four members to hear an appeal.

2. Please provide background information regarding this legislation.

The Department of Watershed Management ("Department") seeks to better accommodate their customers by accelerating the number of appeals that can be heard monthly by allowing fewer members of the appeals board to hear an appeal and decide upon a customer's dispute. The Department also desires to allow customers to have the Water and Sewer Appeals Board administratively review the facts of a dispute without requiring that the customer appear for the hearing.

**LEGISLATIVE COUNSEL
REQUEST FOR LEGISLATION**

lawyer, and revise the description for the plumber and the civil engineer. The Department proposes three categories rather than four and the inclusion of more flexible language which allows the appointment of one from each of the following three categories: residential property management, plumber or property maintenance person with at least five (5) years of plumbing experience, and engineer.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A
- (b) **Source Selection:** Not applicable.
- (c) **Bids/Proposals Due:** Not applicable.
- (d) **Invitations Issued:** Not applicable.
- (e) **Number of Bids:** Not applicable.
- (f) **Proposals Received:** Not applicable.
- (g) **Bidders/Proponents:** Not applicable.
- (h) **Term of Contract:** Not applicable.

4. Fund Account Center (Ex. Name and number):

Fund: _____ **Account:** _____ **Center:** _____

5. Source of Funds: *Example:*

6. Fiscal Impact: Not applicable.

7. Method of Cost Recovery: Not applicable.

This Legislative Request Form Was Prepared By: M. Theresa Stewart

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ **Maisha L. Wood** _____

Contact Number: _____ **(404) 330-6887** _____

Originating Department: _____ **Department of Watershed Management** _____

Committee(s) of Purview: _____ **City Utilities** _____

Chief of Staff Deadline: _____ **November 16, 2010** _____

Anticipated Committee Meeting Date(s): _____ **November 30, 2010** _____

Anticipated Full Council Date: _____ **December 6, 2010** _____

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____ **n/a** _____

CAPTION

AN ORDINANCE TO AMEND CHAPTER 154 (UTILITIES), ARTICLE II (WATER AND SEWER BILLING AND COLLECTIONS PROCEDURES), SECTION 154-26 (WATER AND SEWER APPEALS BOARD), OF THE CITY OF ATLANTA, CODE OF ORDINANCES TO ALLOW CUSTOMERS TO AUTHORIZE THE WATER AND SEWER APPEALS BOARD TO ADMINISTRATIVELY REVIEW THE BASIS OF THE DISPUTE AND DECIDE UPON THE CUSTOMER'S APPEAL WITHOUT REQUIRING THE CUSTOMER TO APPEAR BEFORE THE BOARD FOR THE HEARING; TO ALLOW A CUSTOMER TO HAVE A MINIMUM OF FOUR MEMBERS TO CONDUCT A HEARING OR ADMINISTRATIVE REVIEW; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: _____ **Received by LC from CPO:** _____
(date) (date)

Received by Mayor's Office: 11.16.10 **Reviewed by:** KJP/DCOS
(date) (date)

Submitted to Council: _____
(date)